



## **PUBLIC NOTICE WILLIAMSBURG PLANNING COMMISSION**

The Williamsburg Planning Commission will hold a public hearing on September 19, 2007, 3:30 P.M. in the Council Chambers of the Stryker Building, 412 North Boundary Street, to consider the following:

**PCR #07-029:** Request of McCale Development Corporation to rezone approximately 6.8 acres at 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District. This property is also identified as Williamsburg Tax Map No. 583-05-00-002. The applicant proposes this rezoning "to permit development of a duplex/townhome project comparable to the adjacent Carriage Homes."

This property is designated by the 2006 Comprehensive Plan as Office land use. The proposed RM-1 District allows uses such as single family detached dwellings, duplexes and townhouses at a density of 8 units per net acre. Uses such as multifamily dwellings, churches, day care centers and schools are allowed with a special use permit.

**PCR #07-030:** Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for Special Use Permits (Sec. 21-45) and Amendments (Secs. 21-62 and 21-63), and to extend the Planning Commission reporting period for Special Use Permits and Amendments from 90 days to 100 days (Secs. 21-45 and 21-62).

**PCR #07-031:** Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for the Board of Zoning Appeals [variances, appeals, interpretations and special exceptions – Secs. 21-97(b)(3), (c), (d), and (f)(4)], and to update the reference to the State Code definition of variance [Sec. 21-97(b)].

Additional information is available at [www.williamsburgva.gov/dept/planning/agendas.htm](http://www.williamsburgva.gov/dept/planning/agendas.htm); at the Planning Department [(757) 220-6130], 401 Lafayette Street; or at the Williamsburg Regional Library. Interested citizens are invited to attend this hearing and present their comments to the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Wednesday, September 12, 2007.

A handwritten signature in black ink that reads 'Reed T. Nester'.

Reed T. Nester  
Planning Director



## CITY OF WILLIAMSBURG

### MEMORANDUM

**TO: Planning Commission**

**DATE: August 27, 2007**

**SUBJECT: PCR #07-029**

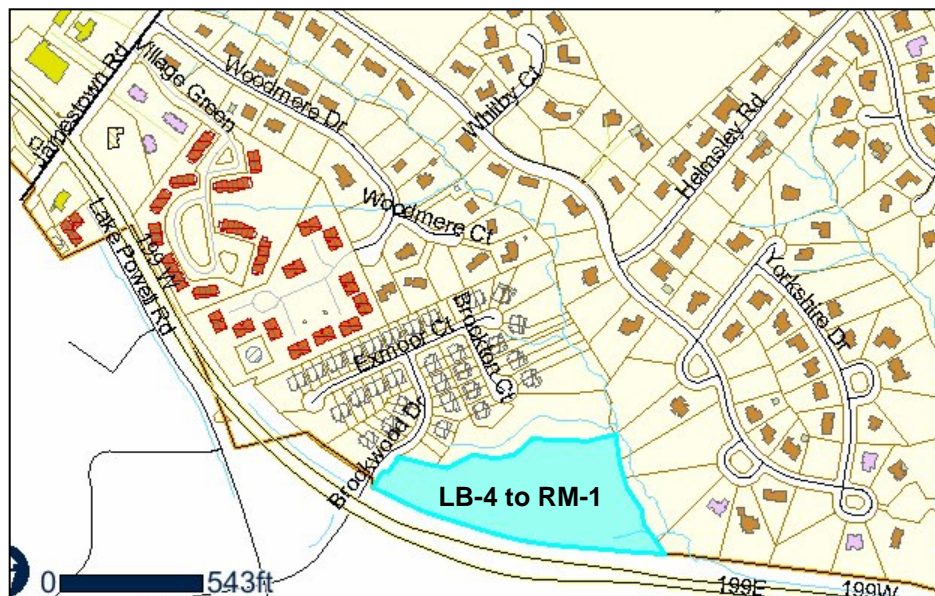
**Request of McCale Development Corporation to rezone 6.84 acres at the southeast corner of Route 199 and Brookwood Drive from LB-4 to RM-1**

McCale Development Corporation is proposing to rezone approximately 6.84 acres at 200 Brookwood Drive (southeast corner of Route 199 and Brookwood Drive) from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District. This site is designated by the 2006 Comprehensive Plan as Office land use.

The application states that

McCale Development Corp seeks to rezone this parcel from LB4 to RM1 to permit development of a duplex/townhome project comparable to the adjacent Carriage Homes. McCale believes that with the approval of the Riverside project there will be no demand for office space at this location for the foreseeable future. At the time of the rezoning of this property to LB4, multi-family development was permitted in the LB4 zone.

No proffers have been submitted with the rezoning request. Development of the property if it were rezoned to RM-1 would need to follow the applicable regulations in the Zoning Ordinance. A density of eight dwelling units per net acre is allowed in the RM-1 District. The adjacent 62 lot Holly Hills Carriage Homes duplex subdivision has a density of 5.3 dwelling units/net acre.



## **COMPREHENSIVE PLAN**

### 1989 Comprehensive Plan

The 1989 Comprehensive Plan was the first City plan to address this property, since it was annexed into the City in 1984. This property was originally designated as Medium Density Residential (6-8 dwelling units/net acre), as was the property that was developed as Holly Hills Carriage Homes. It was estimated that up to 84 dwelling units could be built on the combined properties, and 62 units have been built for the Carriage Homes. In January 1997 the Comprehensive Plan was amended to change the land use for this property to Office land use (PCR #96-16). This change was proposed by McCale Development Corporation, the original developer for the Holly Hills Carriage Homes.

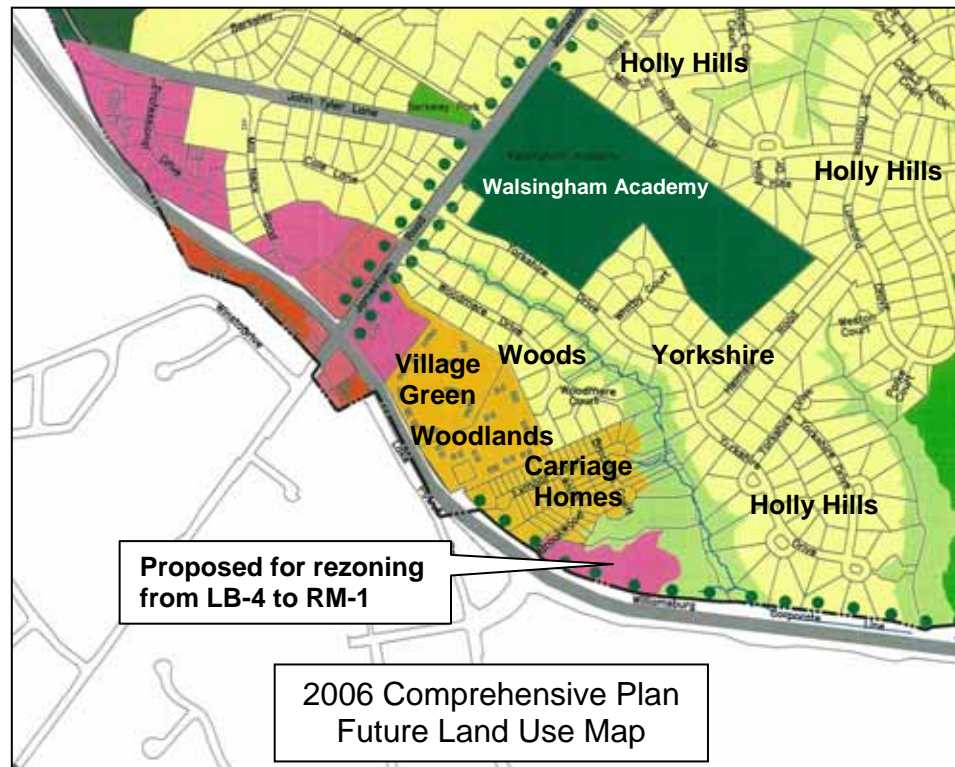
### 1998 Comprehensive Plan

The 1998 Comprehensive Plan continued the designation of this property as Office land use. The zoning in effect when the plan was adopted was LBR Limited Business/Residential District, which allowed both office and residential uses, but the Plan recommended change this to a new LB-4 District.

### 2006 Comprehensive Plan

The 2006 Comprehensive Plan designates this property as Office land use. The 2006 Plan states

The office land use category accommodates primarily offices and financial institutions as low density transitional uses between residential neighborhoods and higher intensity business uses. This land use is intended for designated areas in the Center City and Midtown Planning Areas, as well as outlying areas including Strawberry Plains Road, John Tyler Highway, Monticello Avenue, Ironbound Road and Bypass Road. Office land use is implemented by two zoning districts: LB-3 Limited Business Residential for the Center City area, and LB-4 Limited Business corridor for the outlying areas. The basic uses permitted by right would be offices as well as financial institutions. Residential uses would be allowed only in the LB-3 District in the Center City, with a base density of 8 dwelling units per net developable acre, and up to 14 dwelling units per net developable area with a special use permit for areas that are suitable for a higher density. The extra review required is designed to ensure that higher density residential uses are high quality and compatible with existing neighborhoods and non-residential development in the area. These densities match the densities allowed in the Downtown Residential areas. Supplementing the office uses, a limited range of related low intensity commercial uses would be allowed with a special use permit.



Concerning the specific area proposed for rezoning to RM-1, the 2006 Comprehensive Plan states that

A small office area is located at the southeast corner of the Brookwood Drive and Route 199 intersection, and is adjacent to Holly Hills and Holly Hills Carriage Homes.

**Recommendation.** The existing Office land use designation should be continued, implemented by the existing LB-4 Limited Business Corridor District. *[The adjoining land across Route 199, located in James City County, is designated Low Density Residential land use, and is zoned R-5 Multi Family Residential District and R-8 Rural Residential District.]*

The Commercial and Economic Development Plan summarized in Chapter 10 of the 2006 Comprehensive Plan includes the following recommendation concerning Office land use

8. Maintain appropriately located areas for office use throughout the City. These areas provide needed transition uses between major commercial areas and residential areas. Primary office areas are located along the John Tyler Lane/Strawberry Plains Road corridor, south of Merchants Square along South Henry Street, and along Capitol Landing Road. Office uses can also be a part of mixed-use areas.

The 2006 Comprehensive Plan designates Route 199 as a greenbelt corridor. The 2006 Plan states that "Greenbelts should be left in an undisturbed natural state, unless modifications are approved by the City. When retail and other uses are adjacent to designated greenbelts, modifications to the character and width of the greenbelt may be allowed to provide the visibility that is needed for these uses. However, any modifications should preserve the landscaped and tree-lined character of the streets." This property has been cleared for development as offices, but the 75 foot greenbelt has been retained along Route 199.

## **ZONING**

This parcel was zoned Residence District A (Single Family) when this property was annexed into the City in 1984. Following the adoption of the 1989 Comprehensive Plan, the zoning was changed to RM-1 Multifamily Dwelling District (8 dwelling units/net acre) in 1991. In January 1997, in conjunction with an amendment to the 1989 Comprehensive Plan, the zoning was changed at the request of McCale Development Corporation to LBR Limited Business/Residential District (PCR #96-13). The reason stated by the applicant for the request was "... because proximity of State Route 199 would negatively impact (noise) previously contemplated residential development." The LBR District allows single family and duplex dwellings by right, and multifamily and townhouse dwellings with a special use permit. As part of the implementation of the 1998 Comprehensive Plan, this area was rezoned to a new LB-4 District in July 1999 (PCR #98-32). The LB-4 District does not allow residential uses.

The proposed RM-1 Multifamily Dwelling District allows uses such as single family detached dwellings, duplexes and townhouses at a density of 8 units per net acre. Uses such as multifamily dwellings, churches, day care centers and schools are allowed with a special use permit. The 6.84 acre area proposed for rezoning has a net area of 4.76 acres, which would allow up to 38 dwelling units to be built on the property.

The RM-1 yard requirements are 25 feet front, 7.5 feet side for single family and duplex, 15 feet side for multifamily, 15 feet street side, and 25 feet rear. A 35 foot building height is allowed, but buildings set back 200 feet from Route 199 and Quarterpath Road may have a height of 60 feet. No landscaped open space is required for single family and duplex dwellings, but 50% of the total site area is required for multifamily dwellings. A 75 foot greenbelt buffer is required along Route 199.

This property is located in the CP Corridor Protection District, which requires approval of the building and sign design by the Architectural Review Board.

The Statement of Intent for the RM-1 District reads:

*This district is established as a residential area with a medium population density. Population density and height of buildings are low enough to be generally compatible with single-family residential developments in the same general area. Uses such as multifamily housing, schools, churches,*

*public buildings, and other uses that may be compatible with permitted residential uses, may be allowed with special permits.*

In conjunction with the rezoning request, the Planning Director or Planning Commission may require the following additional information:

- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning Director or the Planning Commission may request the City Council to provide funds for the preparation of this study by the City.

Staff does not feel that any additional studies are needed.

#### **PUBLIC HEARING DATE**

A public hearing on this request will be scheduled for the September 19 meeting.



Reed T. Nester, AICP  
Planning Director

**ORDINANCE #07-\_\_**  
**PROPOSED ORDINANCE #07-\_\_**

**AN ORDINANCE TO REZONE APPROXIMATELY 6.84 ACRES  
AT 200 BROOKWOOD DRIVE FROM LB-4 TO RM-1  
(PCR #07-029)**

**WHEREAS**, it has been determined by City Council that the general welfare of the City of Williamsburg would be served by rezoning approximately 6.84 acres at 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Williamsburg that the Official Zoning Map of the City of Williamsburg, Virginia be amended by rezoning approximately 6.84 acres at 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District. This property is identified as Williamsburg Tax Map Nos. 583-05-00-002, and is further described on Exhibit A (attached hereto).

This ordinance shall become effective on the tenth day following its passage.

Adopted: \_\_\_\_\_

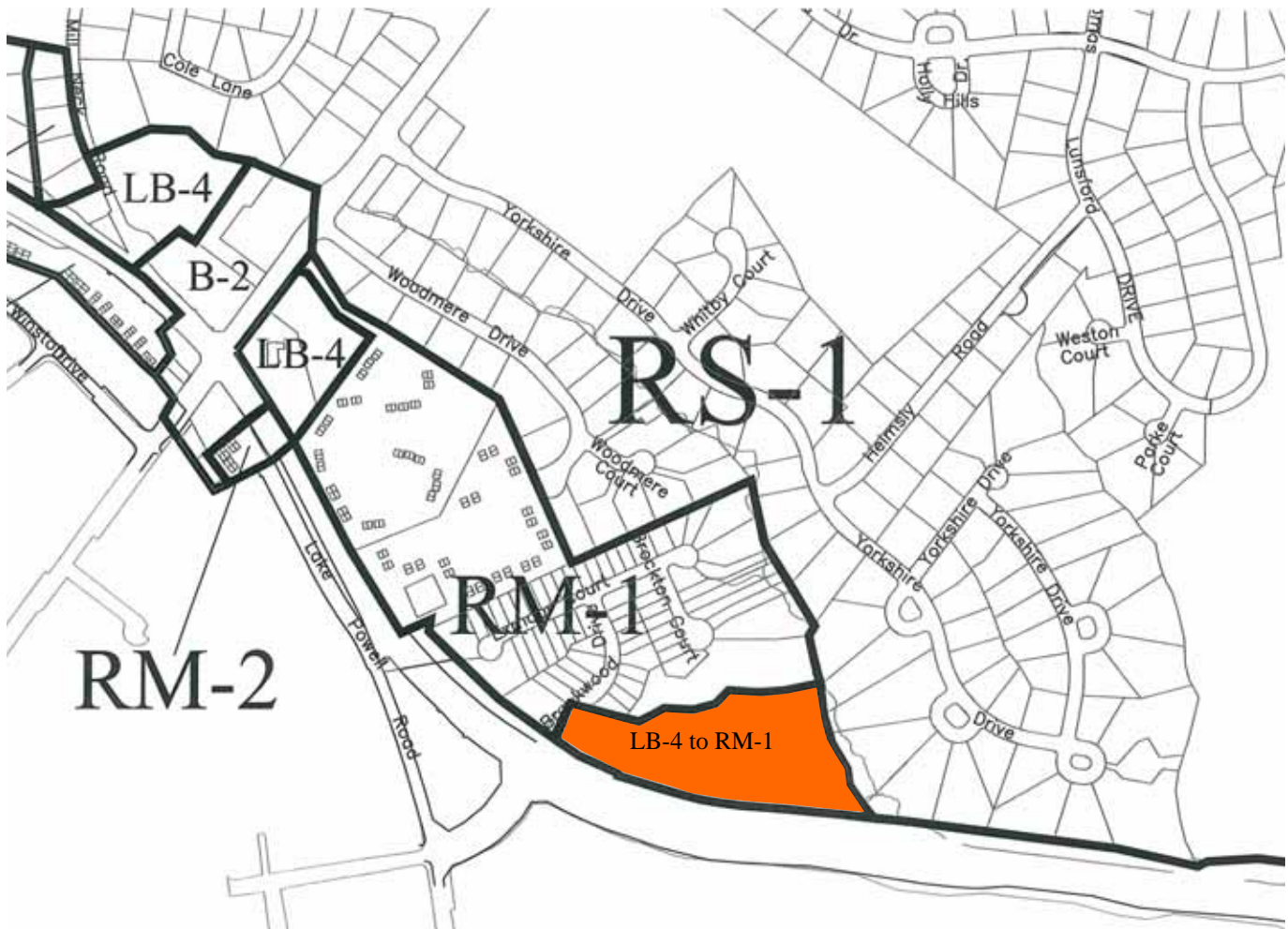
\_\_\_\_\_  
Jeanne Zeidler, Mayor

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Clerk of Council



**PCR #07-029:   McCale Rezoning**  
200 Brookwood Drive – LB-4 to RM-1

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**EXHIBIT A**





**CITY OF WILLIAMSBURG**  
**MEMORANDUM**

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**TO: Planning Commission**

**DATE: August 3, 2007**

**SUBJECT: PCR #07-030**  
**Housekeeping amendments for Special Use Permits and Amendments**  
**PCR #07-031**  
**Housekeeping amendments for Board of Zoning Appeals**

Recodification of the State Code has made Zoning Ordinance references to State Code advertising requirements (§15.2-2204) incorrect for Special Use Permits [Sec. 21-45(a) of the Zoning Ordinance], Zoning Ordinance Amendments [Secs. 21-62(b) and 21-63(a) of the Zoning Ordinance], and Board of Zoning Appeals cases [Secs. 21-97(b)(3), (c), (d) and (f)(4) of the Zoning Ordinance].

Recodification also allows the time permitted for Planning Commission review of Special Use Permits [Sec. 21-45(b)] and Zoning Ordinance Amendments [Sec. 21-62(c) of the Zoning Ordinance] to be increased from 90 days to 100 days.

Recodification has changed the location of the definition of a Zoning Ordinance variance to §15.2-2201 of the State Code [Sec. 21-97(b) of the Zoning Ordinance].

The attached ordinances make these housekeeping changes to the City's Zoning Ordinance.

**PUBLIC HEARING DATE**

A public hearing on these cases will be scheduled for the September 19 meeting.

Reed T. Nester, AICP  
Planning Director

**ORDINANCE #07-\_\_**  
**PROPOSED ORDINANCE #07-\_\_**

**AN ORDINANCE TO AMEND SUBSECTION (a) AND (b) OF SECTION 21-45 OF DIVISION 2, SUBSECTION (b) AND (c) OF SECTION 21-62 AND SUBSECTION (a) OF SECTION 21-63 OF DIVISION 3, ARTICLE II, CHAPTER 21 OF THE WILLIAMSBURG CODE PERTAINING TO PLANNING COMMISSION AND CITY COUNCIL ADVERTISEMENT OF ZONING AMENDMENTS AND SPECIAL USE PERMITS AND EXTENDING THE TIME PERIOD DURING WHICH PLANNING COMMISSION MUST ACT FROM 90 TO 100 DAYS (PCR #07-030)**

**WHEREAS**, § 15.1-431 of the Virginia Code has been recodified as § 15.2-2204; and

**WHEREAS**, the recodification of § 15.2-2285 made no substantive change except that it extended the time by which planning commission must report its recommendations to the governing body from 90 to 100 days or such shorter time as prescribed by the governing body; and

**WHEREAS**, City Council finds that it is desirable that the Williamsburg Code should be updated to correctly reflect said recodification and further finds it in the interest of the public health, safety and welfare of the citizens of the City that the Williamsburg Planning Commission be accorded the 100 day reporting period provided by the recodification;

**NOW, THEREFORE**, it is hereby **ORDAINED** that:

1. Subsections (a) and (b) of Section 21-45 of Division 2 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read:

**DIVISION 2. SPECIAL USE PERMITS**

**Sec. 21-45. Action by planning commission.**

(a) No special use permit shall be approved unless the proposal has been reviewed by the planning commission. The commission shall hold at least one public hearing after notice as required by Code of Virginia, § ~~15.1-431~~ 15.2-2204. Following the hearing, the planning commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing, and shall transmit such recommendations, together with any explanatory material, to the city council.

(b) Failure of the planning commission to report within ~~90~~ 100 days after the first meeting of the commission after the proposal has been referred to the commission shall be deemed approval, unless the proposed special use permit has been withdrawn by the applicant prior to the expiration of such time period.

2. Subsections (b) and (c) of Section 21-62, and Subsection (a) of Section 21-63 of Division 3 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read as follows:

### DIVISION 3. AMENDMENTS

#### **Sec. 21-62. Action by planning commission.**

(b) The commission shall hold at least one public hearing on such proposed amendment after notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204. Following the hearing, the planning commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing, and shall transmit such recommendations, together with any explanatory matter, to the city council.

(c) Failure of the planning commission to report within ~~90~~ 100 days after the first meeting of the commission after the proposal has been referred to the commission shall be deemed a recommendation for approval, unless such proposal has been withdrawn by the applicant prior to the expiration of such time period.

#### **Sec. 21-63. Action by city council.**

(a) Before approving the proposed amendment, the city council shall hold at least one public hearing, after public notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204, after which the city council may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204.

**EXCEPT**, as here amended, the Williamsburg Code shall remain unchanged.

This ordinance shall become effective on the tenth day following its passage.

Adopted:

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Jeanne Zeidler, Mayor

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Clerk of Council

**ORDINANCE #07-\_\_**  
**PROPOSED ORDINANCE #07-\_\_**  
**AN ORDINANCE TO AMEND SUBSECTIONS (b)(3), (c), (d) AND**  
**(f)(4)(b) OF SECTION 21-97 OF DIVISION 5, ARTICLE II, CHAPTER 21**  
**OF THE WILLIAMSBURG CODE PERTAINING TO BOARD OF ZONING**  
**APPEALS ADVERTISEMENT OF REQUESTS FOR VARIANCES,**  
**APPEALS, INTERPRETATIONS AND SPECIAL EXCEPTIONS**  
**(PCR #07-031)**

**WHEREAS**, § 15.1-431 of the Virginia Code has been recodified as § 15.2-2204, and § 15.1-430 has been recodified as § 15.2-2201; and

**WHEREAS**, City Council finds that it is desirable that the Williamsburg Code should be updated to correctly reflect said recodification;

**NOW, THEREFORE**, it is hereby **ORDAINED** that:

Subsections (b)(3), (c), (d) and (f)(4) of Section 21-97 of Division 5 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read:

**DIVISION 5. BOARD OF ZONING APPEALS**

**Sec. 21-97. Powers of the board of zoning appeals.**

The board of zoning appeals shall have the following powers and duties:

(b) To authorize upon appeal or original application in specific cases such variance (as defined in Code of Virginia, § ~~15.1-430(p)~~ 15.2-2201) from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed and substantial justice done, as follows:

(3) No such variance shall be authorized except after notice and hearings as required by Code of Virginia, § ~~15.1-431~~ 15.2-2204.

(c) To hear and decide appeals from the decision of the zoning administrator. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § ~~15.1-431~~ 15.2-2204.

(d) To hear and decide applications for interpretation of the official zoning map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by such question, and after public hearing with notice as required by Code of Virginia, § ~~15.1-431~~ 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the chapter for the particular section or district in question. The

board shall not have the power to change substantially the locations of district boundaries as established by this chapter.

(f) To hear and decide applications for such special exceptions as may be authorized by this chapter.

(4) No such special exception may be granted except after notice and hearing as provided by Code of Virginia, § 45.1-434 15.2-2204.

**EXCEPT**, as here amended, the Williamsburg Code shall remain unchanged.

This ordinance shall become effective on the tenth day following its passage.

Adopted:

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Jeanne Zeidler, Mayor

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Clerk of Council